

U.S. Serial No. 09/891,064
Docket No. 26068-08D

Examiner: P. Nolan
Art Unit: 1644

REMARKS

Claims 1-3 and 27-32 are pending in this application. Claims 1-3 have been amended, claims 21-26 have been cancelled and new claims 27-32 have been added. Reconsideration and allowance of all of the claims in view of the amendments made above and remarks to follow is respectfully requested.

Applicants note that the Terminal disclaimer over U.S. Patent No. 6,252,045 has been received and approved.

Claims 1-3 and 21-26 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite because it was unclear to Examiner what was meant by the phrase "the polypeptide being active in inhibiting epithelial or endothelial barrier". In response, Applicants have amended claims 1-3 to replace this phrase with "the polypeptide being able to inhibit the barrier properties of epithelial or endothelial cells" as suggested by the Examiner. Reconsideration of the rejection of claims 1-3 as being indefinite is respectfully requested.

Claims 21-26 also stand rejected under 35 U.S.C. 102(b) as being anticipated by NCBI accession number 449184. The Examiner asserts that these claims have an effective filing date of 3-14-97 and that since the claims are open, they read upon the full length occludin molecules. Although Applicants respectfully disagree with this interpretation based on their dependence upon claims which are indicated to contain allowable subject matter, Applicants have cancelled claims 21-26 and submit herein new claims 27-32 in independent form, incorporating the subject matter of allowed claims 1-3. Support for these new claims can be found in the specification, for example at page 9, lines 14+.

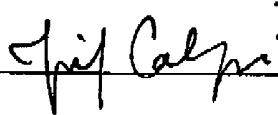
U.S. Serial No. 09/891,064
Docket No. 26068-08D

Examiner: P. Nolan
Art Unit: 1644

Applicants believe that the foregoing is a complete response to the office action and respectfully request favorable consideration and that the claims of this application be passed to allowance.

If the Examiner has any questions regarding this response, he is requested to contact the undersigned at 203-575-2648 for a telephone interview prior to the issuance of the next office action.

Respectfully submitted,



Jennifer A. Calcagni, Reg. No. 50,207
Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110
(203) 575-2648